

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

VAN A. LUPO,)	
)	
Plaintiff)	Civil Action Number 04-40202-FDS
)	Hon. F. Dennis Saylor IV
v.)	
)	Complaint Filed: September 29, 2004
BANK of AMERICA CORPORATION)	
and SHERYL LUPO)	
)	
Defendants)	

MOTON FOR LEAVE TO FILE LATE


NOW COMES the Plaintiff in the above titled matter and respectfully requests that this Honorable Court grant the Plaintiff leave to file his Motion for Default Judgment to Assess Damages. In support of this motion the Plaintiff states as follows:

1. On December 12, 2006 the defendant Sheryl Lupo was defaulted pursuant to a Motion for Default Judgment filed by the Plaintiff on November 24, 2006.
2. The Standing Order issued on December 12, 2006 and gave a 30-day deadline to file a Motion for Entry of Default Judgment.
3. Plaintiff was unable to comply with the 30 day deadline due to a death in the Plaintiff's family and financial and emotional issues that arose as a result of that death.
4. Defendant Sheryl Lupo has continued to ignore all filings associated with this case.
5. Defendant Sheryl Lupo would not be prejudiced by the granting of this Motion for Leave to File Late.

Thus, the Plaintiff requests that this Honorable Court grant Plaintiff's Motion for Leave to File Late for good cause shown.

Respectfully Submitted,


Van A. Lupo
By his Counsel


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DATED: May 15, 2007

CERTIFICATE OF SERVICE

I, Jill C. Shedd, certify that all document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent via first-class mail to those indicated as non registered participants and upon Ms. Sheryl Lupo, 9081 Aloha Drive, Huntington Beach, CA 92646 on May 15, 2007.


Jill C. Shedd